

2 AUGUST 1946

I N D E X
Of
WITNESSES

Prosecution's Witnesses

MORISHIMA, Morito (resumed)

Cross by Mr. Kaino
" " Mr. McCormack
" " Captain Kleiman
" " Mr. Ohta
" " Major Blakeney
" " Mr. Brooks
" " Mr. Sammonji

By the President

Page

3071

3071

3072

3084

3102

3103

3107

3113

3120

MAEDA, Tamon

3122

Direct by Mr. Hammack

3122

Cross by Major Blakeney

3127

" " Mr. McManus

3129

" " Captain Kleiman

3144

" " Mr. Ohara

3146

NAKAI, Kimbei

3151

Friday, 2 August, 1946

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

MORISHIMA

CROSS

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Does any counsel desire to
4 mention any matter?

5 MR. KAINO: I am KAINO, counsel for the defen-
6 dant SUZUKI, Teiichi.

7 M O R I T O M O R I S H I M A, called as a witness
8 on behalf of the prosecution, resumed the stand
9 and testified as follows:

10 CROSS-EXAMINATION (Continued)

11 BY MR. KAINO:

12 Q Would you state for the record the name of
13 the chief of the special service organization in Mukden,
14 of which you made testimony in your affidavit?

15 THE MONITOR: Whose last name is SUZUKI.
16 Will you state his first name?

17 A SUZUKI, Yoshimitsu.

18 Q Is Mr. SUZUKI, Yoshimitsu, a different person
19 from SUZUKI, Mr. SUZUKI, one of the accused?

20 A Yes, they are different persons.

21 MR. FURNESS: If the Court please, I meant to
22 bring this up when you asked if there are any matters
23 counsel wish to bring up at this time.

24 When I introduced Exhibit 246 into evidence, I
25 asked for leave to withdraw the original and substitute

MORISHIMA

CROSS

1 therefor a photostatic copy. The Court admitted the
2 evidence but I think did not rule on my request to with-
3 draw.

4 I am authorized to state by Mr. Darsey that
5 the prosecution has no objection to this.

6 THE PRESIDENT: We give you leave to do that,
7 Major Furness.

8 Mr. McCormack.

9 MR. McCORMACK: If the Court please, I repre-
10 sent the accused MINAMI.

11
12 Q Mr. MORISHIMA, do you remember when Premier
13 TANAKA came into office?

14 A I think it was in the spring of 1927.

15 Q Do you remember what political party was in
16 control of that particular cabinet?

17 A Seiyukai.

18 Q What was the name of the other political party
19 in existence at that time?

20 A The Minseito.

21 Q Now, was the Minseito Party for expansion in
22 Manchuria or against it?

23 MR. DARSEY: I object to that, Mr. President,
24 on the ground it is without the scope of the direct
25 examination, without the scope of the affidavit, and

MORISHIMA

CROSS

1 makes no difference to any issue in this proceeding
2 what any other political party felt about expansion in
3 Manchuria.

4 MR. McCORMACK: There is an indication in this
5 affidavit, from the reading of it, that beginning with
6 the TANAKA Cabinet the governmental policy here in
7 Tokyo become more positive, and it is indicated that
8 the succeeding cabinets became more positive than that
9 cabinet.

10 THE PRESIDENT: What particular paragraph do
11 you refer to, Mr. McCormack?

12 MR. McCORMACK: Well, beginning on page 2, the
13 third full paragraph, it says, "When Premier TANAKA
14 came into office he announced a more positive policy."

15 Then, from a reading of the full affidavit it
16 is shown that while this witness was in office there
17 were at least four cabinets during those -- from 1928
18 to 1933. And inasmuch as the affidavit sets out more
19 positive action in China, that inference may readily
20 be drawn by members of this Tribunal as to the more posi-
21 tive action of the succeeding cabinets.

22 THE PRESIDENT: No doubt this affidavit deals
23 with a number of very broad issues.

24 MR. DARSEY: I call the Court's attention that
25 there is nothing in the affidavit with respect to the

MORISHIMA

CROSS

1 philosophy of any other political party.

2 THE PRESIDENT: Well, it is not easy to deter-
3 mine how far you should go into the party politics of
4 Japan, certainly. I do not think it is relevant to
5 show the difference in the political outlook of the
6 parties, Mr. McCormack. But you can trace the attitude
7 of the party in power for the time being.

8 MR. McCORMACK: I can follow the Court's sug-
9 gestion, but I cannot get a mental picture of exactly
10 what the Court has in mind.

11 I am not interested so much in the TANAKA but
12 in the inference that the succeeding cabinets during the
13 happening of these things in the affidavit became
14 worse in a positive direction, you see.

15 THE PRESIDENT: Frame your questions without
16 regard to the party political question.

17 MR. McCORMACK: Leave the parties out?

18 THE PRESIDENT: The party political aspect of
19 the parties in power.

20 MR. McCORMACK: All right.

21 THE PRESIDENT: The political complexion of
22 the government does not matter; the party political
23 complexion, and the objection is to that only.

24 MR. McCORMACK: Thank you, your Honor.

25 MR. DARSEY: I should also like to call the

MORISHIMA

CROSS

1 Court's attention to the fact that the affidavit does
2 not deal with the cabinets in the interim between the
3 TANAKA Cabinet and the Manchurian Incident. It makes
4 reference to the growing strength and influence of the
5 army in political policies during that period.

6 Q Mr. Witness, when you use the words "positive
7 policy," tell the Tribunal exactly what you have in
8 mind when you use those words.

9 A By the positive policy of the TANAKA Cabinet,
10 I meant to say the maintenance of law and order in Man-
11 churia, the protection of the lives and property of
12 Japanese nationals resident in that area, and the pro-
13 tection of Japan's legitimate interests in that area;
14 also, the protection of Japanese lives and property
15 and legitimate interests on the China continent;
16 Furthermore, non-interference in the domestic affairs
17 of China, the promotion of amicable relations between
18 Japan and China, and also the observance of the prin-
19 ciples of the open-door and equal opportunity. On
20 these points the policy of the TANAKA Cabinet was not
21 different from those of other preceding cabinets.

22 Q Now, how many cabinets were in existence in
23 Japan at the time you were Assistant Consul General in
24 Mukden?

25 A As I recall, the TANAKA Cabinet, the HAMAGUCHI

MORISHIMA

CROSS

1 Cabinet, the INUKAI Cabinet, and the SAITO Cabinet,
2 successively in that order.

3 Q Does the witness remember the WAKATSUKI Cabinet?

4 A Yes, I do.

5 Q And was that cabinet in existence during the
6 period of time you were with the government in Mukden?

7 A Yes.

8 Q Now, the two succeeding cabinets, the HAMAGUCHI
9 and the WAKATSUKI cabinets followed the TANAKA. Has
10 the witness an opinion as to what the policy of those
11 two cabinets was with reference to the TANAKA Cabinet?

12 MR. DARSEY: I object to that as being without
13 the scope of the affidavit. As I previously stated,
14 the affidavit deals with the growing strength and in-
15 fluence of the army in political matters and not with
16 the policies of any succeeding cabinet.

17 MR. McCORMACK: This is the same objection
18 counsel made before, if the Court please.

19 THE PRESIDENT: Well, irrespective of the
20 scope of the affidavit, which is very broad, we may
21 have to limit cross-examination to what we think is
22 useful. I am unable to say that the question just put
23 is beyond the scope of the affidavit. But it does not
24 follow that we will make the scope of the affidavit the
25 test as to the extent of the cross-examination that will

MORISHIMA

CROSS

1 be permitted. We want really helpful cross-examination.

2 What are you endeavoring to establish, Mr.
3 McCormack?

4 MR. McCORMACK: It is the purpose of this
5 question to bring out from the witness the fact that the
6 two succeeding cabinets were so opposite to what is
7 called a positive or aggressive policy over there that
8 they actually fell, had to give up. Politics threw
9 them out of office over here. My client was in one of
10 those.

11 THE PRESIDENT: If you want to prove that
12 MINAMI was a member of a cabinet which was opposed to
13 aggression in Manchuria you could get that out of the
14 witness in a couple of questions. If he knows.

15 MR. McCORMACK: Counsel would be on his feet
16 objecting because MINAMI is not mentioned in the affi-
17 davit. I have got to get it from something that
18 appears in verbiage in the affidavit to satisfy counsel.

19 THE PRESIDENT: Well, we will allow you to get
20 that much.

21 MR. DARSEY: Mr. President, I anticipated
22 that that was the purpose of counsel and I submit that
23 that is a matter of affirmative defense and wholly
24 without the scope of this affidavit.

25 THE PRESIDENT: We will permit a few short

MORISHIMA

CROSS

1 questions of the kind I have indicated.

2 Q Mr. Witness, my client, General MINAMI, was
3 War Minister in the WAKATSUKI Cabinet that was in exis-
4 tence from April, 1931, to December, 1931, eight months.
5 Can you tell the Tribunal what the policy of that
6 WAKATSUKI Cabinet was as compared to, say, the TANAKA
7 Cabinet that you mention in your affidavit?

8 A First of all, I should say that it is a mis-
9 take to state as a premise that the positive policy of
10 the TANAKA Cabinet was an aggressive one. The word
11 "aggressive" is inaccurate.

12 As I said before, the positive policy of the
13 TANAKA Cabinet was the protection of interests, the
14 ways and means and methods of protecting those interests.

15 If I am asked to state the difference between
16 the two cabinets I should say that the policy, the Man-
17 churian policy, of the HAMAGUCHI Cabinet was limited to
18 the protection of vested interests in that area. How-
19 ever, the policy of the TANAKA Cabinet placed its pri-
20 mary emphasis on the securing and maintenance of law
21 and order in all of Manchuria.
22
23
24
25

MORISHIMA

CROSS

G
r
e
e
n
b
e
r
g
&
B
a
r
t
o
n

1 Q What has the witness got to say with refer-
2 ence to the WAKATSUKI Cabinet?

3 A Nothing beyond what I have already stated.

4 THE PRESIDENT: He said "HAMAGUCHI."

5 MR. McCORMACK: The witness mentioned the
6 word "HAMAGUCHI" as being the other cabinet besides
7 the TANAKA. Now, the WAKATSUKI Cabinet followed the
8 HAMAGUCHI, and I was most interested in finding out
9 what the policy of that cabinet was because my client
10 was a member of it.

11 THE WITNESS: Both the HAMAGUCHI and WAKAT-
12 SUKI Cabinets were organized by the same Minseito
13 Party, and, therefore, there was no difference in the
14 policies of these two cabinets, and, therefore, what-
15 ever I have said previously with respect to these
16 cabinets applies in this case.

17 Q The witness, in his affidavit, mentions the
18 sending of Japanese troops in 1927 and 1928 into
19 China proper. I'd like to have the witness describe
20 the situation so the Tribunal will understand exactly
21 what that was as far as Japan is concerned -- the
22 sending of troops.

23 MR. DARSEY: I suggest that the question is
24 repetitive, Mr. President. That matter was covered
25 yesterday.

MORISHIMA

CROSS

1 THE PRESIDENT: Did he answer that question
2 yesterday?

3 MR. McCORMACK: It is my contention he
4 didn't because I scratched out from my list of ques-
5 tions all the questions I thought were answered as
6 they were put to this witness.

7 THE PRESIDENT: Answer the question, wit-
8 ness.

9 A I feel that I answered that question yester-
10 day, but I shall repeat it again by saying that the
11 Northern expeditionary -- punitive expeditionary
12 forces entered the province of Shantung because of
13 the danger that existed to Japanese lives and property
14 in that area. And, in order to safeguard these lives
15 and property, troops were despatched on the spot.

16 Q Who despatched the troops? At whose com-
17 mand did they go into China proper?

18 A I do not remember.

19 Q Did your office in Mukden at the time have
20 anything to do with the reasons why the Japanese
21 troops were necessary?

22 A That being outside the province of my work,
23 I do not recall anything.

24 Q When it is stated in an affidavit that Japan-
25 ese troops were sent somewhere, it may be indicated

MORISHIMA

CROSS

1 that they violated some treaties, or something of
2 that sort, in going in there and meeting the Chinese
3 Army. Can you tell the Court whether or not that is
4 a fact?

5 MR. DARSEY: I object to that, Mr. Presi-
6 dent. It is for this Court to determine whether or
7 not treaties were violated in the despatch of troops
8 into China.

9 MR. McCORMACK: I am just interested in the
10 Court getting some information here. If I don't
11 know the reason, I don't know how the Tribunal can,
12 and it may be important.

13 THE PRESIDENT: I think he should attempt
14 to answer the question.

15 A I think it is sufficient to say, as I have
16 already said, that the despatch of troops was carried
17 out for the protection of Japanese lives and property,
18 in China, which was then in danger.

19 THE PRESIDENT: He is not suggesting any
20 breach of a treaty.

21 Q Do you know whether that matter was
22 settled amicably by the Chinese and Japanese?

23 A The settlement of the Tsinan Incident took
24 quite a long time, but the problem was settled ami-
25 cably between Japan and China.

1 THE PRESIDENT: I would like to be able to
2 say that this cross-examination is helping us, Mr.
3 McCormack, but I cannot.

4 Q Now, Mr. Witness, in your affidavit you
5 make mention of "China proper." What do you mean
6 by the use of those words?

7 THE PRESIDENT: We have no doubt as to what
8 he means.

9 MR. McCORMACK: Is the question disallowed?

10 THE PRESIDENT: We will let him answer.
11 You will have a grievance if we do not.

12 A By "China proper" I mean China with the
13 exception of the three -- Northeastern provinces.

14 Q During the time you were in office from
15 1928 to '33 how many different governments were there
16 in China proper?

17 MR. DARSEY: I object to that.

18 THE PRESIDENT: Objection allowed.

19 Q During what year or years was Marshal
20 Chang Tso-Ling Marshal of Manchuria?

21 A I do not recall. It was for a long time.
22 Without a reference book, I could not say at this
23 time.

24 Q Now, was Chang Tso-Ling acting for or
25 against the Chiang Kai-shek Government in China?

MORISHIMA

CROSS

1 MR. DARSEY: I object to that.

2 THE PRESIDENT: Objection allowed.

3 Q Now, in the collaboration of Premier TANAKA
4 with Chang Tso-Ling as Marshal of Manchuria, did you
5 at any time have any personal knowledge of such
6 collaboration?

7 THE PRESIDENT: Collaboration when, where,
8 and about what?

9 A What I mean by "collaboration" is not
10 on any particular question, and I think it would
11 be -- it is improper to use the word "collaboration."
12 I should say that Premier TANAKA cooperated with
13 Marshal Chang in the settlement of various issues.

14 Q Can you name the issues that they coopera-
15 tively settled?

16 THE PRESIDENT: It is not for the Court to
17 take objections ordinarily, but we are always at
18 liberty to tell you that your cross-examination
19 does not help.

20 A During the time of the TANAKA Cabinet, a-
21 greement was reached with Marshal Chang in connection
22 with the building of new railway lines, but this
23 proved to be abortive as a result of the death of
24 Marshal Chang.

25 Q Was Chang Tso-Ling the proper person for

MORISHIMA

CROSS

1 Premier TANAKA to contact as being the head of
2 Manchuria at that time?

3 A So long as Chang Tso-Ling was the actual
4 leader of the Eastern provinces, whether he was
5 proper or improper or otherwise, TANAKA had no other
6 person to negotiate with.

7 Q What do you mean when you state that Premier
8 TANAKA was "lending support" to Marshal Chang Tso-
9 Ling?

10 A For many years the policy of reinforcing
11 national defense and preservation of peace was the
12 policy of the Marshal in Manchuria, and it was the
13 belief of Premier TANAKA that Chang Tso-Ling should
14 stay in Manchuria -- it would be proper for Marshal
15 Chang Tso-Ling to stay in Manchuria to carry out this
16 policy instead of penetrating outside of that area
17 into China proper.

18 THE MONITOR: And it would be proper for
19 Chang Tso-Ling to stay in Manchuria and develop Man-
20 churia.

21 Q Now, did the clique of officers, as you say
22 in your affidavit, in the Kwantung Army at any time
23 have any sound reason to believe that the Japanese
24 should employ force to preserve their interests in
25 Manchuria?

MORISHIMA

CROSS

1 MR. DARSEY: I object.

2 THE PRESIDENT: He cannot testify as to
3 their bona fides.

4 Q What were the reasons that prompted this
5 clique of officers to feel as though force should be
6 employed? You were living over there. You must
7 have talked to them. Let the Court know about it.

8 A In a word, I should say that the anti-
9 Japanese atmosphere in that area was extremely
10 strong, and it was necessary to resort to the use of
11 force in order to carry out the Manchurian policy
12 under such circumstances. I should think this re-
13 ply should be sufficient.

14 THE PRESIDENT: They did not tell him any-
15 thing, apparently. He is just guessing what their
16 motives or their reasons were. His answer is of no
17 assistance.

18 Q Do you know what the method was that this
19 group of officers used to influence governmental
20 policy?

21 A I should think there are various and many
22 methods. They are so varied, in accordance with
23 different circumstances, that I think it would be
24 difficult to name all of them -- it would be impos-
25 sible to name all of them.

MORISHIMA

CROSS

1 Q State the principal reason or the principal
2 method or methods as you remember them.

3 THE PRESIDENT: I do not think that form of
4 corss-examination is proper. You should suggest
5 reasons to him.

6 MR. McCORMACK: If the Court please, I
7 cannot be expected to have the supposed knowledge
8 Mr. Witness has. He is a particularly qualified
9 person in Japanese and Chinese relations, and I am
10 no authority. I would like to get some information
11 from the witness, not teach him.

12 THE PRESIDENT: Well, if we allow you to
13 do it, we must allow every other counsel, and it is
14 not the right thing, and you know it is not.

15 MR. McCORMACK: I'm taking things out of
16 this statement that the Court mentions the Court is
17 not interested in. If direct examination was made of
18 this witness, there would probably be only a half-
19 dozen questions to ask him, but these statements of
20 lengthy conclusions, and everything else, dumbfound
21 us here. We don't know what the Court is going to
22 take into consideration.

23 THE PRESIDENT: We will take into considera-
24 tion that he is a consul and not a prime minister
25 and that, having regard to what his office is, his

3087

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3087

MORISHIMA

CROSS

1 But, later, at the cabinet meeting, as I recall, as
2 a result of army opposition, the matter merely ended
3 in suspension of office. For this reason, Premier
4 TANAKA and his cabinet were forced to resign.

5 Q The succeeding cabinet, the HAMAGUCHI --
6 do you know the reasons why they fell?

7 THE PRESIDENT: There again you see how un-
8 fair that is. You should suggest to him why it
9 fell, and you should show the suggestion is associ-
10 ated with the subject under review.

11 MR. DARSEY: I suggest it is without the
12 scope of the affidavit.

13 THE PRESIDENT: It is hard to say what is
14 within or without the scope of that affidavit. How-
15 ever, the question is improper. Counsel should know
16 the particular answer that his question should draw
17 forth.
18
19
20
21
22
23
24
25

MORISHIMA

CROSS

W
o
l
f
&
S
p
r
a
t
t

Q Mr. Witness, do you remember that the reason why the Hamaguchi Cabinet resigned was that Premier HAMAGUCHI died?

THE PRESIDENT: What has that to do with Manchuria?

MR. McCORMICK: I am following that; I want to get it logical.

Q Mr. Witness, do you know whether or not the Incident of September 18, 1931, caused the fall of the Wakatsuki Cabinet?

A The other day I read the testimony of Baron WAKATSUKI, who appeared here to testify, in a newspaper.

Q In other words, your answer is in the affirmative, is it?

A No, I do not affirm nor deny that question.

Q Now, did Chang Hsueh-Liang succeed to the leadership of Chang Tso-Ling?

A Yes.

Q Were their policies of collaboration and negotiation with Japanese policies the same?

A As I said before, after Chang Hsueh-Liang became the leader of Manchuria anti-Japanese movements began to be promoted on an organized basis with an ideological background, and gained greatly

MORISHIMA

CROSS

1 in its intensity.

2 Q What was the reason for that?

3 A I think that was as a result of the fact
4 that Chang Hsueh-Liang became a member of the
5 Kuomintang and also because of the infiltration of
6 the Sanmingchuyi, or the Three-Peoples Principle.

7 Q Now, what do you mean by the statement,
8 "the policy of restoration of national rights under
9 the leadership of Chang Hsueh-Liang"?

10 THE PRESIDENT: We do not want him to
11 explain the obvious.

12 Q Do you know why General TATEKAWA went to
13 Mukden in September, 1931?

14 A I did not know at that time, but later, by
15 the developments which took place, I learned that he
16 was sent from the central army authorities.

17 Q Do you know who sent him, particularly?

18 A That being an affair of the central authori-
19 ties, I do not know exactly, but I presume it was the
20 then War Minister MINAMI, and the Chief of the Army
21 General Staff, whose name I do not recall just at
22 this moment.

23 Q Did you know, of your own knowledge, what
24 happened to General TATEKAWA when he got to Mukden
25 after the Incident?

1 A No, I do not.

2 Q Do you know of any other officer sent by
3 the War Minister at that time over to Mukden in rela-
4 tion to this Incident -- in localizing or stopping it?

5 A I do not remember the date exactly, but
6 shortly after the Incident three officers, namely,
7 Major General HASHIMOTO, Major ENDO, and Captain IMAI
8 were sent by the central army authorities to Mukden,
9 and I think, if I am not mistaken, that their pur-
10 pose was to communicate to the Kwantung Army the
11 intentions of the central army authorities, with
12 respect to the Incident.

13 Q What were those intentions?

14 A I believe it was non-expansion of the Inci-
15 dent and settlement of the Incident on the spot.

16 Q Now, Mr. Witness, do you know whether or
17 not the War Minister in Tokyo at that time had any-
18 thing to do with the outbreak of this Incident?

19 A I presume that it was following discussions
20 between the Minister for War and the Chief of the
21 Army General Staff that Major General HASHIMOTO and
22 his party were sent to Mukden.

23 THE PRESIDENT: You surely do not think
24 those answers are going to help us.

25 MR. McCORMICK: My last question was either

MORISHIMA

CROSS

1 misunderstood, or I did not get it over properly.
2 May I ask it over again of the witness?

3 Q Do you know whether or not the War Minister
4 in Tokyo, at the time of the Manchurian Incident,
5 had any part to play in that Incident -- in its
6 happening?

7 THE PRESIDENT: He could not know unless --

8 MR. McCORMICK: Well, I am asking him.

9 MR. DARSEY: I object to it as being out-
10 side the scope of the direct.

11 THE PRESIDENT: Objection upheld.

12 Q Now, in the last paragraph of your affi-
13 davit, you mentioned that general orders were issued
14 on the night of September 18 that called all the
15 Japanese armies in Manchuria into operation. Who
16 issued these orders, if you know?

17 A I think it was issued in the name of the
18 Commander in Chief of the Kwantung Army, General
19 HONJO.

20 Q And was he situated over in Manchuria at
21 the time?

22 A Yes, he was.

23 THE PRESIDENT: We will recess now for
24 fifteen minutes.

25 (Whereupon, at 1043, a recess was

1 taken until 1100, after which the proceedings
2 were resumed as follows:)

MORISHIMA

CROSS

G
o
l
d
b
e
r
g
&
B
a
r
t
o
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Kleiman.

4 CROSS-EXAMINATION

5 BY CAPTAIN KLEIMAN:

6 Q Mr. MORISHIMA, referring to your statement
7 on page Seven concerning the Japanese recognition
8 of Manchukuo, do you mean thereby the Japanese Govern-
9 ment's recognition of Manchukuo?

10 A Yes.

11 Q Prior to this recognition, had not the Japan-
12 ese Government opposed military action in Manchuria?

13 A Yes. At the outbreak of the incident the
14 policy of the Government was non-extension of the
15 incident and, therefore, opposed expansion of mili-
16 tary action.

17 Q Prior to this recognition, had not the
18 Japanese Government opposed the establishment of
19 an independent government in Manchuria?

20 A I should think it would be difficult to
21 say "opposition of the Japanese Government." From
22 my knowledge, I should say that there were those who
23 were opposed within the Japanese Government, that
24 is, within the Japanese Government there were men
25 who opposed.

MORISHIMA

CROSS

1 Q Do you know who was the Prime Minister during
2 the Manchukuoan -- the Japanese Government's recog-
3 nition of Manchukuo?

4 THE PRESIDENT: If he does not, we do.

5 CAPTAIN KLEIMAN: All right, your Honor.
6 I wanted to ask that as a preliminary question, if
7 it please the Court.

8 THE PRESIDENT: They are preliminary too.

9 A Yes, Viscount SAITO.

10 Q If you know, will you please tell us why
11 the Japanese Government recognized Manchukuo despite
12 the fact that they previously had opposed military
13 action in Manchukuo?

14 MR. DARSEY: I object to that as wholly
15 irrelevant and immaterial and without the scope of
16 the direct.

17 THE PRESIDENT: Objection upheld.

18 CAPTAIN KLEIMAN: If it please the Tribunal,
19 yesterday we had introduced an exhibit concerning
20 the Japanese recognition of Manchukuo. Would it not
21 be clearer for the Court if the entire question, the
22 facts of the entire question, if they can be testified
23 to by this witness, were presented to the Court at
24 this time rather than wait to, perhaps, four or five
25 months later?

MORISHIMA

CROSS

1 THE PRESIDENT: I am not going to debate
2 the Court's decision.

3 CAPTAIN KLEIMAN: All right, your Honor.

4 Q Mr. MORISHIMA, by recognition of Manchukuo,
5 if you know, did not the Japanese Government hope
6 to have a diplomatic means of peaceably settling
7 Sino-Japanese issues, rather than to allow the inci-
8 dents that have occurred to which you have testified?

9 MR. DARSEY: I object to that question.

10 THE PRESIDENT: Objection upheld.

11 Q Mr. MORISHIMA, by recognition of Manchukuo,
12 did not the Japanese Government hope to gain control
13 over Manchuria to take it away from the military?

14 MR. DARSEY: I object to the question.

15 THE PRESIDENT: Objection upheld.

16 Q Mr. MORISHIMA, if you know, had the Privy
17 Council ever been involved in Manchurian affairs be-
18 fore the Japanese Government's recognition of Man-
19 chukuo?

20 A To my knowledge, it did not interfere in
21 Manchurian affairs. According to the ordinance govern-
22 ing -- regulating the Privy Council, the Privy Council
23
24
25

MORISHIMA

CROSS

1 has no part, does not involve itself in questions
2 of government policy. However, as the highest ad-
3 visory organ, it expresses its views when asked.
4 The Privy Council, if I may add further, does not
5 express any positive views on government policy.
6 It expresses itself or announces its views or hopes
7 only when it is required or requested to do so. As
8 a matter of custom, generally speaking, the Privy
9 Council merely formally recognizes or approves what-
10 ever has been previously decided by the Government.

11 Q Referring to Page Two of your affidavit,
12 Mr. MORISHIMA, you mention the "TANAKA positive policy."
13 Did the TANAKA policy entail the conquest of China?

14 MR. DARSEY: I object to the question as
15 being without the scope of the direct.

16 THE PRESIDENT: Objection upheld.

17 Q Mr. MORISHIMA, can you tell us any facts
18 about whether the TANAKA Memorial was a fact or fake?

19 MR. DARSEY: There has been no reference made
20 by this witness to the TANAKA Memorial. It is with-
21 out the scope of the direct, and I object to it.

22 THE PRESIDENT: Ask him whether he ever heard
23 of the TANAKA Memorial.

24 CAPTAIN KLEIMAN: All right, sir.

25 Q Mr. MORISHIMA, have you ever heard of the

MORISHIMA

CROSS

TANAKA Memorial?

1 A Yes, I heard, but I also know that it is
2 a fake.

3 CAPTAIN KLEIMAN: Will the Tribunal allow
4 me questions to show that the TANAKA Memorial is a
5 fake? I am cross-examining. I don't know what the
6 witness will answer.
7

8 THE PRESIDENT: From our viewpoint there
9 is no need for the witness to elaborate his answer.
10 We refuse permission for further cross-examination,
11 to further cross-examine.

12 CAPTAIN KLEIMAN: All right, sir. I will
13 withdraw that question, if it please the Tribunal.

14 Q Mr. MORISHIMA, in the last paragraph on page
15 Five of your affidavit, you refer to the "right of
16 military command." What do you mean by that?

17 THE PRESIDENT: There is no need to answer
18 that question.

19 CAPTAIN KLEIMAN: All right, sir.

20 Q Mr. MORISHIMA, on Page Three of your affi-
21 davit you make mention of the fact that "many incidents
22 occurred which might be attributed to anti-Japanese
23 feeling" and that "the Consulate made greatest efforts
24 to settle these incidents." Can you mention some of
25 these incidents that you are referring to?

MORISHIMA

CROSS

1 THE PRESIDENT: The answer was given yester-
2 day.

3 CAPTAIN KLEIMAN: I see, your Honor.

4 Q Mr. MORISHIMA, did these incidents involve
5 Japanese-Chinese disputes concerning property of
6 Japanese nationals, railway rights, debts owed by
7 China to Japan?

8 THE PRESIDENT: The question is repetitive.

9 CAPTAIN KLEIMAN: All right, your Honor.

10 Q Prior to the Mukden Incident, had not Japan
11 made about three hundred protests to China because
12 of violation of various treaty rights and disregard
13 of rights of nationals and of property of Japanese
14 nationals?

15 MR. DARSEY: I object to the question. It
16 is without the scope of the direct.

17 THE PRESIDENT: Objection upheld.

18 Q Mr. MORISHIMA: I will read you a statement
19 and ask you if you know whether this statement is a
20 truth or not. "Concerning the Manchurian question,
21 the Japanese Government --

22 THE PRESIDENT: Now you can only read a
23 statement like that if it is necessary. Why not
24 frame a short statement on the question?

25 CAPTAIN KLEIMAN: All right, your Honor.

MORISHIMA

CROSS

1 THE PRESIDENT: You see the trouble these
2 interpreters are getting into.

3 CAPTAIN KLEIMAN: Yes, sir, your Honor. I
4 am sorry, sir.

5 Q Did the WAKATSUKI Cabinet, HAMAGUCHI Cabinet,
6 INUKAI Cabinet or the SAITO Cabinet adopt, support
7 and continue military aggression into Manchuria and
8 its gradual extension over other parts of China?

9 MR. DARSEY: The question is objectionable
10 on many scores: The first, because it is compound;
11 the second, because it requires this witness to
12 determine an ultimate fact which should be determined
13 by the Court.

14 THE PRESIDENT: I assume you object. The
15 objection is upheld.

16 Q Mr. MORISHIMA, if you know, did not all the
17 contracting parties to the Kellogg Pact reserve the
18 right to self-defense in putting their signatures on
19 the Kellogg Pact?

20 MR. DARSEY: Mr. President, it is not pleasant
21 for me to have to get up and object to each question
22 propounded here, but, obviously, this question is
23 improper.

24 THE PRESIDENT: Objection upheld.

25 CAPTAIN KLEIMAN: I am through with my

MORISHIMA

CROSS

1 THE PRESIDENT: You see the trouble these
2 interpreters are getting into.

3 CAPTAIN KLEIMAN: Yes, sir, your Honor. I
4 am sorry, sir.

5 Q Did the WAKATSUKI Cabinet, HAMAGUCHI Cabinet,
6 INUKAI Cabinet or the SAITO Cabinet adopt, support
7 and continue military aggression into Manchuria and
8 its gradual extension over other parts of China?

9 MR. DARSEY: The question is objectionable
10 on many scores: The first, because it is compound;
11 the second, because it requires this witness to
12 determine an ultimate fact which should be determined
13 by the Court.

14 THE PRESIDENT: I assume you object. The
15 objection is upheld.

16 Q Mr. MORISHIMA, if you know, did not all the
17 contracting parties to the Kellogg Pact reserve the
18 right to self-defense in putting their signatures on
19 the Kellogg Pact?

20 MR. DARSEY: Mr. President, it is not pleasant
21 for me to have to get up and object to each question
22 propounded here, but, obviously, this question is
23 improper.

24 THE PRESIDENT: Objection upheld.

25 CAPTAIN KLEIMAN: I am through with my

MORISHIMA

CROSS

1 questions. If it please the Tribunal, so that I
2 may know how to conduct myself with respect to the
3 future witnesses, will the Tribunal permit us to ask
4 questions to show the full picture?

5 THE PRESIDENT. Oh, don't ask such silly
6 questions.

7 CAPTAIN KLEIMAN: To show that, perhaps,
8 the Chinese War -- Manchurian War was conducted by
9 Japan as a matter of self-defense guaranteed to it
10 by the Kellogg Pact?

11 THE PRESIDENT: The Court will deal with
12 questions as they arise for determination. It will
13 not answer hypothetical questions.

14 CAPTAIN KLEIMAN: Thank you, your Honor.
15 No further questions.
16
17
18
19
20
21
22
23
24
25

MORISHIMA

CROSS

A
b
r
a
m
&
M
o
r
s
e

1 MR. OHTA: I am OHTA, Kinjiro, counsel for
2 the defendant DOHIHARA. I would like to ask a ques-
3 tion to the witness, Mr. MORISHIMA.

CROSS-EXAMINATION (Continued)

BY MR. OHTA:

4
5
6 Q On September 18, 1931, that is the day of
7 the outbreak of the Manchurian Incident, was not
8 DOHIHARA situated in Manchuria?

9 MONITOR: Correction: Is it not a fact that
10 DOHIHARA was not actually in Manchuria.

11 A I don't know whether he was there on the
12 18th of September, but after that I do know that he
13 was not there. I ascertained it.

14 Q Where was he then? Did you find out about
15 that later?

16 A He was in Korea.

17 Q Do you know of the fact that he went to
18 Tokyo to report on NAKAMURA, Hsintaro Incident?

19 A I do not recall. Inasmuch as there was
20 such a heavy traffic with China, that I don't know.

21 Q What was the reason for which the accused
22 DOHIHARA was in Korea, in spite of the fact that he
23 held such an important position as that of the
24 chief of Special Service organization?

25 MR. DARSEY: I object to the line of ques-

MORISHIMA

CROSS

1 tions as being without the scope of the direct.

2 THE PRESIDENT: Objection upheld.

3 Q Do you know if DOHIHARA was connected with
4 the Manchurian Incident?

5 A I think he did not have any connection with
6 the incident.

7 Q What was his influence over the Kwantung
8 Army?

9 MR. DARSEY: Object to the question.

10 THE PRESIDENT: Objection upheld.

11 Q How about the reputation of DOHIHARA
12 division in North China.

13 MR. DARSEY: Object to the question.

14 THE PRESIDENT: Objection upheld.

15 MR. OHTA: That is all, your Honor.

16 THE PRESIDENT: Major Blakeney.

17 CROSS-EXAMINATION (Continued)

18 BY MAJOR BLAKENEY:

19 Q Mr. Witness, during the Manchurian Incident
20 and the subsequent years covered by the testimony in
21 your affidavit did China and Japan ever sever
22 diplomatic relations?

23 MR. DARSEY: I object to the question as
24 being without the scope of the direct.

25 MAJOR BLAKENEY: I should like to be heard

MORISHIMA

CROSS

1 on that point, if the Court permits.

2 THE PRESIDENT: Yes.

3 MAJOR BLAKENEY: The witness in his
4 affidavit does not confine himself to the Mukden
5 Incident of September, 1931. He discusses later
6 events and even on page 7, the last page of his af-
7 fidavit, discusses the status of the so-called Em-
8 pire of Manchukuo down to 1945. Mr. Darsey, in
9 opening this phase of the case, stated on page 1679
10 of the record that evidence would be introduced under
11 specific counts of the Indictment there referred to
12 to prove the waging -- the planning, initiating and
13 waging of a war of aggression in connection with the
14 Manchurian Incident. We therefore have the testimony
15 of this witness and we have the prosecution's state-
16 ment of its purport or intent. I submit to the
17 Tribunal that in those circumstances we must be
18 able to cross-examine the witnesses concerning the
19 actions of the parties which would have made or would
20 not have made this a war of aggression.

21 THE PRESIDENT: Objection overruled.

22 MAJOR BLAKENEY: The witness will answer
23 the question, please.

24 THE PRESIDENT: Did China and Japan sever
25 diplomatic relations?

MORISHIMA

CROSS

1 A It has never been severed.

2 Q Then the two countries maintained friendly,
3 normal diplomatic intercourse and did not consider
4 that a state of war existed between them.

5 MR. DARSEY: I object to that on the ground
6 that it calls for a conclusion of the witness.

7 THE PRESIDENT: Yes. That objection should
8 be upheld.

9 Q The state of affairs which you have tes-
10 tified to concerning the non-severance of diplomatic
11 relations prevailed as well before as after the
12 Manchurian Incident, is that correct?

13 A Yes, it has never been severed.

14 Q Did any other nation, and especially the
15 nations named in this Indictment as accusers, sever
16 diplomatic relations with Japan as a result of the
17 Manchurian Incident?

18 MR. DARSEY: I object to that as being wholly
19 without the scope of the direct examination.

20 THE PRESIDENT: Objection upheld.

21 Q In connection with the Manchurian Incident,
22 Mr. Witness, you testified before and gave data to
23 the Lytton Commission, did you not?

24 A Yes, I have.

25 Q Were you familiar in your official capacity

MORISHIMA

CROSS

1 with the Lytton Commission and with the League of
2 Nations itself, in connection with the Manchurian
3 Incident?

4 MR. DARSEY: I object to this line of
5 questions as being wholly without the scope of the
6 direct.

7 THE PRESIDENT: What is the purpose of it,
8 Major Blakeney?

9 MAJOR BLAKENEY: The purpose, sir, is to
10 show by the most important eye witness of these
11 events who has yet been produced what the factual
12 situation was in all its aspects, not only --

13 THE PRESIDENT: Well, that wouldn't let that
14 question in. You are not challenging his evidence
15 before the Lytton Commission, are you?

16 MAJOR BLAKENEY: No, sir, not at all. I am
17 merely attempting to expand this man's background
18 of knowledge beyond the events of the night of 18
19 September. He has testified to events at other
20 times, but has not shown his official connection or
21 background.

22 THE PRESIDENT: Well, there would be no
23 limit to that form of questioning.

24 MAJOR BLAKENEY: It is submitted, sir, that
25 under the Tribunal's rulings the limit is to matters

MORISHIMA

CROSS

1 to which he has testified, and I submit that I am
2 withiñ that.

3 THE PRESIDENT: We take it up to now he has
4 told us all he knows about the Mukden Incident, but
5 if you are not satisfied you can suggest to him that
6 he has withheld something and state what it is.

7 MAJOR BLAKENEY: No, sir, that is not my
8 position, and I will conclude my cross-examination
9 under that ruling.

10 THE PRESIDENT: Captain Brooks.

11 MR. BROOKS: I am Mr. Brooks, American coun-
12 sel for OKAWA.

13 CROSS-EXAMINATION (Continued)

14 BY MR. BROOKS:

15 Q Mr. Witness, what were your duties as to
16 arranging for the protection of Japanese nationals
17 in peacetime.

18 A On the basis of the right of extra-territorit-
19 ality, a large consular police existed and so that
20 means of protection of Japanese nationals resident
21 in Manchuria was carried out. Furthermore, proper
22 steps were taken if and when and in accordance with
23 any situation as it arose with the Chinese Govern-
24 ment.

25 MONITOR: Slight correction: One was to

MORISHIMA

CROSS

1 have the consular police under this territorial
2 right; another was to keep in constant touch with
3 Chinese and solve any problem and all in all always
4 to take proper measures, depending on the situation.

5 Q Were these consular police stationed at
6 one place and called only in event of emergency or
7 were they stationed throughout Mukden?

8 THE PRESIDENT: How do you suggest that will
9 help us, Captain Brooks?

10 MR. BROOKS: I want to ask him why, if the
11 consular police were stationed throughout Mukden, why
12 that was necessary. Was it because of certain con-
13 ditions there of murder, which was commonly being re-
14 ported, of the Japanese subjects, being so prevalent
15 that it was necessary to have them stationed throughout
16 the country, rather than at one place, which would
17 normally be the condition of troops being stationed
18 at one place, if there were just peaceful relations
19 going on between the people, and then when an incident
20 arose they might go out and take care of it. As a
21 background, I think that is very important.

22 THE PRESIDENT: An adequate police force
23 is a feature of every orderly community.

24 MR. BROOKS: I didn't catch it, your Honor.
25 Will the reporter read it?

MORISHIMA

CROSS

1 (Whereupon, the last statement by
2 the President was read by the official
3 court reporter.)

4 THE PRESIDENT: Do you suggest that the
5 number of police there was out of proportion to the
6 number of people?

7 MR. BROOKS: As I believe, the police force
8 that was there, of the Japanese, numbered around
9 15 thousand, whereas the Chinese troops in the area
10 numbered around 200 thousand, and that the Japanese
11 police were scattered over wide areas and were still
12 within the treaty rights under the Boxer Protocol, and
13 I believe the Court is assuming that there were
14 adequate police forces in that territory.

15 THE PRESIDENT: Well, put questions on that
16 basis.

17 MR. BROOKS: That was the basis of my
18 question.

19 THE PRESIDENT: But they are such rambling
20 questions. Can't you shorten them?

21 MR. DARSEY: Counsel is obviously confusing
22 consular police with troops that were stationed in
23 Mukden and Manchuria. The affidavit makes reference
24 to several hundred consular guards having been
25 located there. The purpose of this line of questions

MORISHIMA

CROSS

1 as indicated by counsel clearly demonstrates its
2 immateriality and irrelevancy.

3 MR. BROOKS: I respect learned prosecutor's
4 argument and his learning, but I do not agree with
5 him. I will withdraw the question previously asked
6 and ask a shorter one.

7 Q Why were consular police stationed through-
8 out Mukden?

9 MR. DARSEY: I object to that question as
10 wholly irrelevant and immaterial.

11 THE PRESIDENT: Objection upheld.

12 Q Did you receive reports from consular police
13 from time to time?

14 A Yes, every day.

15 Q And from the reports that you received from
16 your various sources of information, did you anticipate
17 the trends and developments and report these as con-
18 clusions to the foreign office?

19 A Yes.

20 Q And were these conclusions and reports made
21 from this wide area as to the trends, developments,
22 conditions and incidents used in formulating the
23 policy of Japan for that area?

24 A Yes, I believe it was very valuable data
25 in the formulation of government policy.

MORISHIMA

CROSS

1 Q Included in these reports from consular
2 police, were there any reports of Japanese subjects
3 or residents in Manchuria being murdered by rebels
4 and bandits, or soldiers?

5 MR. DARSEY: I object to the question as
6 being without the scope of the direct and wholly
7 irrelevant and immaterial.

8 THE PRESIDENT: The whole of the questions
9 put so far could have been reduced to one simple
10 question: did your police report to you the murders
11 of Japanese citizens by Chinese bandits and others?
12 We have listened for half an hour to a long series of
13 useless questions. Such a question -- such a short
14 question -- would be relevant.

15 We will recess now until half past one.

16 (Whereupon, at 1200, a recess was
17 taken.)
18
19
20
21
22
23
24
25

MORISHIMA

CROSS

D
u
d
a
&
W
h
a
l
e
n

AFTERNOON SESSION

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.
3 M O R I T O M O R I S H I M A , called as a witness
4 on behalf of the prosecution, resumed the stand
5 and testified as follows:
6

CROSS-EXAMINATION (Continued)

7 BY MR. BROOKS:

8 Q Mr. Witness, did your police report to you any
9 murders of Japanese citizens by Chinese bandits and
10 others during this time?
11

12 Q Yes, they have.

13 Q Approximately how many incidents of this
14 type were reported?

15 A My tenure of functions at the consulate hav-
16 ing been very long, and the jurisdiction of the con-
17 sulate in Mukden being very large, I cannot tell you
18 the exact number of cases. In general, they were few
19 in the urban areas and many out in the country dis-
20 tricts where there were Koreans.

21 THE MONITOR: Where there were many Koreans
22 residing.

23 MR. SAMMONJI: I am SAMMONJI, counsel for the
24 defendant KOISO. I wish to cross-examine the witness.
25

MORISHIMA

CROSS

BY MR. SAMMONJI:

1 Q In your affidavit, Mr. Witness, you say that
2 from September, 1928, until December, 1932, you were
3 Consul General in Mukden. After that date what post
4 did you assume?

5 A From December, 1932, till July, 1935, I was
6 Consul General in Harbin.

7 Q In August, 1932, the Commander-in-Chief of
8 the Kwantung Army was changed and General MUTO assumed
9 this post. Do you remember that Lieutenant General
10 KOISO assumed the post of Chief of Staff there?

11 A I do.

12 THE MONITOR: Correction: "General MUTO"
13 should read "Field Marshal MUTO."

14 A I know it.

15 Q What sort of policy did Field Marshal MUTO
16 execute in Manchuria, and what sort of a person is
17 Field Marshal MUTO in character?

18 MR. DARSEY: I object to the question as
19 being without the scope of the direct.

20 THE PRESIDENT: Objection allowed.

21 MR. SAMMONJI: Mr. President, inasmuch as
22 Lieutenant General KOISO served under Field Marshal
23 MUTO as Chief of Staff I do not think it is irrele-
24 vant to put my question.
25

MORISHIMA

CROSS

1 THE PRESIDENT: The objection is allowed.
2 You must observe my ruling, or the Court's ruling.

3 Q In the last page of your affidavit, Mr. Wit-
4 ness, you say that the Kwantung Army sent troops
5 into Jehol. But this took place in March, 1933,
6 and it was after you left your post as Consul General
7 in Mukden. Did you learn this from hearsay, or did
8 you receive actual reports?

9 A Even if I was stationed at Harbin I could not
10 confirm these facts unless I had been with the army.
11 But at Harbin I had knowledge of these facts by gen-
12 eral information and all facts which were reported to
13 me.

14 Q In your affidavit, Mr. Witness, you say that
15 Jehol was a part of Inner Mongolia. However, while
16 you were yet Consul General in Mukden I believe Chang
17 Hsueh-Liang made a declaration to the effect that
18 Jehol was a part of Manchuria and that his control
19 was duly exercised there, isn't that so?

20 A In making my affidavit I did not use extremely
21 accurate technical, scientific terms. The Manchurian
22 provinces are called either the Three Eastern Prov-
23 inces or the Four Eastern Provinces. And it is as
24 counsel has said.

25 Q Are you not aware of the fact that a protocol

MORISHIMA

CROSS

1 was concluded between Japan and Manchukuo?

2 A Yes, I know it.

3 Q If you are aware of this fact perhaps you
4 know that in Article II of the Protocol it says that
5 the Kwantung Army is free to exercise -- that the Kwan-
6 tung Army could exercise measures necessary for the
7 defense and maintenance of peace within Manchukuo.

8 MR. DARSEY: I object to the question as
9 being without the scope of the direct. And the Pro-
10 tocol speaks for itself.

11 THE PRESIDENT: Objection allowed.

12 Q Is the witness aware of the fact that in the
13 third meeting of the League of Nations in 1932 it was
14 decided that the right to put down, to suppress ban-
15 ditory in Manchuria was reserved?

16 MR. DARSEY: I object to the question, Mr.
17 President, as being wholly irrelevant and immaterial
18 and outside the scope of the direct.

19 THE PRESIDENT: Objection allowed.

20 Q If you know, Mr. Witness, will you please
21 tell us, did peace and order exist in Jehol Province
22 before mopping-up operations by the Japanese Army?

23 MR. DARSEY: I object, Mr. President. It is
24 awfully embarrassing to me to have to get up and ob-
25 ject to every question propounded here, but obviously

MORISHIMA

CROSS

1 the cross-examination cannot be the least helpful
2 along this line. It is wholly irrelevant and imma-
3 terial.

4 THE PRESIDENT: Objection allowed. At the
5 same time I would like to observe that your affidavit
6 is largely responsible for all this. This is a most
7 unprofitable day.

8 MR. SAMMONJI: Mr. President, I am only
9 asking the questions on what the witness has stated
10 in his affidavit. I wish to continue this interroga-
11 tion.

12 THE PRESIDENT: I cannot debate the Court's
13 ruling with you. The objection is allowed and you
14 must observe it.

15 MR. SAMMONJI: Before I could make myself
16 clear to the President the President passes his judg-
17 ment; therefore, I am unable to put my case before
18 him.

19 THE PRESIDENT: You must observe the Court's
20 ruling. I am not going to debate it with you, and
21 we will deal with you if you do not respect our de-
22 cision.

23 MR. SAMMONJI: I wish to continue.

24 Q When the Jehol campaign took place, who was
25 in charge of this campaign?

MORISHIMA

CROSS

1 A It was Tang Yu-Ling, I think.

2 Q According to your affidavit, Mr. Witness,
3 you claim to have had many sources of information.
4 Do you know that Hsieh Lu-Shih and Tang Yu-Ling were
5 constantly communicating with each other when Field
6 Marshal MUTO was in command?

7 MR. DARSEY: I object to this question;
8 wholly irrelevant and immaterial.

9 THE PRESIDENT: Objection allowed.

10 It looks as though we will have to adjourn
11 and give general instructions to counsel about these
12 matters. We cannot sit here and waste time like this.
13 Nothing that has been brought out today has helped
14 us in the slightest. We have discussed during lunch
15 an adjournment; that is our opinion. That largely
16 arises out of prosecution's having asked this witness
17 to swear to too much in his affidavit. In that affi-
18 davit he has made statements right beyond his pro-
19 vinces. He is only a consul general.

20 MR. SAMMONJI: Mr. President, I refer to the
21 last part of the witness' affidavit. On the problem
22 of Jehol he says that there were no objections raised
23 on the part of the people and the government. Accord-
24 ing to his affidavit he says that there was no support
25 on the part of both the people and the government.

MORISHIMA

CROSS

1 THE WITNESS: Speaking from a general point
2 of view I stated that there was no spontaneous move-
3 ment from the people of the province or from the
4 officials. Even if you give one or two exceptions
5 to this I can only say that from a general point of
6 view my opinion was different.

7 Q You used the words "puppet regime" in your
8 affidavit, Mr. Witness. Exactly what do you mean by
9 "puppet regime"?

10 A I mean a government which cannot take any
11 action freely, from its own will.

12 THE PRESIDENT: That is a useless question.
13 We cannot afford to waste time like this. This is
14 an immense task. It is going to cover a long period
15 in any circumstances.

16 MR. SAMMONJI: I wish to put another question
17 to the witness.

18 Q Under Chang Hsueh-Liang did the government
19 function as it did in other civilized nations?

20 THE MONITOR: Correction: Diplomatic rela-
21 tions.

22 Q (Continuing) Were diplomatic relations car-
23 ried out as in other civilized nations?

24 MR. DARSEY: I object to the question. It is
25 irrelevant and immaterial.

MORISHIMA

CROSS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE PRESIDENT: Objection upheld.

Mr. Logan.

MR. LOGAN: No further cross-examination.

THE PRESIDENT: Mr. Darsey.

MR. DARSEY: There is no further direct
examination.

MORISHIMA

CROSS

Greenberg & Barton

1 THE PRESIDENT: There are some questions
2 that I desire to ask the witness.

3 BY THE PRESIDENT:

4 Q Did you give evidence before the Lytton
5 Commission?

6 A Yes, I have.

7 Q Is there any difference between your evi-
8 dence here and your evidence before that Commission?

9 A In as much as I have no reference book with
10 me here today, I cannot make any statements on minute
11 details. However, I am inclined to think that there
12 are a few differences.

13 Q And what are they?

14 A For example, speaking of the independence
15 movement, there may have been some difference at that
16 time as the situation existed then and now.

17 Q Did you testify as to the Mukden Incident?

18 A I did speak on that point. However, Lord
19 Lytton laid most emphasis on how to settle the con-
20 flict and the pending problems.

21 THE MONITOR: Rather than generalization.

22 Q Did you tell Lord Lytton's Commission what
23 you told us?

24 A Since there were no question to that effect,
25 I did not tell him these things.

MORISHIMA

CROSS

1 THE MONITOR: So I remember.

2 THE PRESIDENT: Yes. That will do.

3 (Whereupon, the witness was
4 excused.)

5 MR. DARSEY: No further direct, Mr.
6 President.

7 This concludes the presentation of this
8 phase of the case with the exception of some examin-
9 ation of a witness that will be put on in the China
10 Aggression period which examination will be conduct-
11 ed by Judge McKenzie at that time.

12 The Court will recall that during Mr.
13 Hammack's period there was a witness who was to be
14 recalled for some further examination. At this time
15 I turn the proceedings over to Mr. Hammack.

16 MR. HAMMACK: May it please the Court, I
17 wish at this time to recall the witness MAEDA who,
18 the Court will recall, had testified by affidavit and
19 had identified a certain book which his testimony es-
20 tablished had been ordered destroyed by himself as
21 Minister of Education in 1945.
22
23
24
25

MAEDA

DIRECT

1 T A M O N M A E D A, recalled as a witness on
2 behalf of the prosecution, testified as
3 follows:

4 THE PRESIDENT: Witness, you are still on
5 your former oath.

6 MR. HAMMACK: The book itself, may it please
7 the Court, being document No. 1675 and thereafter
8 being marked exhibit No. 141. Excerpts from the
9 book, which were offered and received into evidence,
10 had been read by myself at a time when an objection
11 was made for the reason that copies of the book it-
12 self had not been served upon all counsel. The
13 Court took the objection under consideration and
14 thereafter made its ruling that the book should be
15 offered to the Secretariat where it would be avail-
16 able to counsel for the defense and that the excerpts
17 from the same should be offered into evidence and re-
18 ceived and the reading of the same completed.

19 I do not wish, may it please the Court, to
20 unduly emphasize the direct testimony of this wit-
21 ness, so I will ask the Court at this time whether
22 or not it is necessary or whether they wish that I
23 should refresh their memory in connection with his
24 direct testimony.
25

THE PRESIDENT: No.

MAEDA

DIRECT

1 MR. HAMMACK: Reading from the exhibit No.
2 141 which will shortly be completed, may it please
3 the Court, "page 79, line 7" of the volume itself
4 which is in evidence and available to counsel --
5 excerpts are as follows:
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAEDA

DIRECT

1 (Reading): "As I have thus far stated,
2 home is a training place of the Imperial subjects.
3 It is in the home life, simple and frugal, where
4 the Gods and forefathers are duly revered, and
5 where family work is assiduously pursued. That
6 the noble national spirit, sturdy yet affectionate,
7 is trained and developed, and loyal subjects that
8 are capable of successfully enhancing and sup-
9 porting the prosperity of the Imperial Throne are
10 brought up. It is here too, that the spirit of
11 a truly harmonious home life is fostered, where
12 every member is glad to share in on the others'
13 sorrows as well as their joys.

14 (p. 81, line 5) -- In our country, one's occupation
15 was originally the duty that they owed to perform
16 for the sake of the Emperors, each in his assigned
17 part of the state affairs, and it was handed down
18 from generation to generation. With the changes
19 in times, the type of work gradually took a dif-
20 ferent form. The underlying meaning of occupa-
21 tions in our country was not in the making of
22 profits, but in the production itself, and they
23 were preserved in the custom of respecting labor
24 for labor's sake.

25 (p. 84, line 8) -- You can never consider those

MAEDA

DIRECT

1 that dare to evade law or sacrifice others for
2 the purpose of profit, or those that neglect
3 others in diversity if no profit is involved and
4 solely aim at profit making as loyal to the
5 country by being true to their jobs. At the
6 present time, especially the small and medium
7 traders and manufacturers are in a wretched plight.
8 but nevertheless we must think over the condi-
9 tions prevailing at home and abroad and devote
10 ourselves to our true duty, positively engaging
11 in commerce and, thereby, perform our duty to the
12 country.

13 "To fulfill our respective roles with a
14 clear understanding of what part of the national
15 activity each of us is charged with, no matter what
16 work we may be engaged in, and by dropping all
17 ideas of personal interests and profits reviving
18 the old custom of our forefathers who did their
19 best to serve the state, is truly the cardinal
20 point for the way of the subject.

21 (p. 89, line 8-11) -- "The China Incident is in-
22 deed the very sacred undertaking for the purpose
23 of diffusing the idea with which the foundation
24 of our Empire was originally purported, not only
25 in Asia, but to all parts of the world, and the

MAEDA

DIRECT

1 responsibilities shouldered by the 100,000,000
2 people of Japan cannot by any means be slighted.
3 We have a long way to go before we can hope to
4 achieve the Empire's mission and succeed in setting
5 up a new order, and we must, of course, be pre-
6 pared to face a good many obstacles yet."

7 You may cross-examine.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAEDA

CROSS

1 THE PRESIDENT: Major Blakeney.

2 CROSS-EXAMINATION

3 BY MAJOR BLAKENEY:

4 Q Mr. Witness, I call your attention to
5 paragraph 2 of page 2 of the English edition of your
6 affidavit in which you state that at the time of the
7 signing of the Anti-Comintern Pact two officers, one
8 from the General Staff Office, one from the Ministry
9 of War, called upon you to express disapproval of a
10 speech that you had made.

11 A That is true.

12 Q It was not a question. The question is, can
13 you give us their names?

14 A I received their name cards at that time,
15 but I have lost them, and I cannot recall their names
16 exactly. But the facts are as I told you.

17 Q Then, can you tell us which of these offi-
18 cers, whether the one from the General Staff Office or
19 the one from the Ministry of War, had been Attache in
20 Germany and which had been Attache in Italy?

21 A If my memory does not fail me, I think that
22 the officer who had come from the Ministry of War had
23 been Attache to Italy, and the officer who had come
24 from the General Staff, Attache to Germany. As to
25 their rank, the officer who had been to Italy was a

MAEDA

CROSS

1 Major, and the one who had been to Germany was a
2 Lieutenant-Colonel.

3 Q Then, in the small matter of the rank of
4 these two officers your memory did fail you when you
5 stated in your affidavit that they were both Lieut-
6 enant-Colonels?

7 A Yes. I stated at that time they were
8 Lieutenant- Colonels.

9 THE MONITOR: What I have just stated is
10 correct.

11 Q Did both of these officers tell you that
12 their interest in calling upon you was because they
13 had been Attaches in the countries which were parties
14 to the Anti-Comintern Pact?

15 A I don't believe that they told me that they
16 had come to oppose my views because they had been
17 attached to the Embassy, but they told me, I be-
18 lieve, that it was because, having been in Italy and
19 Germany, they knew how things were over there. They
20 came to see me because of my known opposition to the
21 Anti-Comintern Pact.

22 THE MONITOR: Generally speaking, they
23 came to see me, et cetera.

24 Q This you say was about 1936. Was it in
25 1936?

MAEDA

CROSS

1 A I cannot say definitely if it was in 1936.
2 It was about that time.

3 Q Did these officers or either of them make
4 any statement to you concerning who had sent them?

5 A No, they did not.

6 MAJOR BLAKENEY: That is all.

7 THE PRESIDENT: Mr. McManus.

8 CROSS-EXAMINATION (Continued)

9 BY MR. McMANUS:

10 Q Mr. MAEDA, what is the Imperial Rescript
11 on Education?

12 A It is a rescript by which the Emperor
13 MEIJI told the people from a biblical point of view
14 what their way as subjects were and also to subjects
15 what their way as human beings was.

16 Q Did you and do you believe in the principles
17 contained therein?

18 A I did believe, and I do.

19 Q Does this Imperial Rescript on Education
20 foster ultra-nationalism or militarism?

21 A Definitely, no. But the wrong interpre-
22 tations which were given later to this rescript may
23 have fostered such thoughts.

24 THE MONITOR: Correction: "Wrong interpre-
25 tations" should read "various interpretations."

MAEDA

CROSS

1 Q Do you say then that before the Manchurian
2 Incident education in Japan was actually distorted?

3 A It is difficult to generalize in this way.
4 Among the educators at that time there were very fine
5 people who stressed the human side of education.
6 Among the government circles there were also many
7 people who laid stress on these points. But the
8 military stressed particularly militaristic point of
9 view. The militaristic leaders tried to lead educa-
10 tion in militaristic ways and nationalistic ways.
11 This happened also before the Manchurian Incident,
12 but it was very notable afterwards.

13 Q Well, would you not say, Mr. Witness, that
14 teachers themselves in the colleges and in the middle
15 schools might have been responsible for any deviation
16 from this Imperial Rescript on Education?

17 A Some of them certainly have.

18 Q Would you say, Mr. MAEDA, that the Imperial
19 Rescript bases its foundation on rejection or con-
20 tempt of foreign countries?

21 A It is certain that it is not based on any
22 such idea of contempt for others.

23 Q Do you know, Mr. MAEDA, the date when the
24 military training in colleges and middle schools was
25 commenced?

MAEDA

CROSS

1 A I do not remember.

2 Q Do you know the date when the army offi-
3 cers were assigned to schools for educational purp-
4 oses?

5 MR. HAMMACK: I am going to object, your
6 Honor, to that line of questioning on the ground it
7 is outside the scope of the affidavit.

8 THE PRESIDENT: I think we already have
9 those answers anyhow.

10 A I do not know the details.

11 Q Mr. MAEDA, you stated that military offi-
12 cers instructed the heads of the school. Do you
13 not mean by this that the officers sometimes gave
14 advice to the heads of the school?

15 A They certainly must have given at times
16 simple advice, but they did not forget to impress
17 that behind them was the big power of the army.

18 I wish to add, for the honor of certain
19 educators -- I wish to add a few sentences: It was
20 not only -- in most cases, when this military train-
21 ing was held in the schools, the attached officers did
22 not simply give their advice but really dictated
23 their word to the assembly of professors, and the
24 director had just to carry out what they said. This
25 occurred very frequently after war broke out.

MAEDA

CROSS

1 THE MONITOR: "Military assembly" should
2 read "instructors meeting" or "instructors confer-
3 ence."

4 A (Continuing) I wish to add, in case the
5 interpretation had only mentioned that it was simply
6 matters relating to military training, that it was
7 matters relating to the local management of the
8 school.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAEDA

CROSS

W
o
l
f
&
S
p
r
a
t
t

1 Q Now, Mr. MAEDA, is it not quite possible
2 that some of these officers might have exceeded
3 their authority?

4 A I think that may have been the case.

5 Q And is it not quite possible that some
6 of these officers individually departed from the
7 Imperial Rescript principles against their specific
8 instructions?

9 MR. HAMMACK: I wish to object, your
10 Honor, on the grounds that it presupposes that there
11 might have been specific instructions for an army
12 officer to have obeyed the Imperial Rescript. I
13 wish to object, may it please the Court, to the
14 question as to the form for the reason that it pre-
15 supposes that army officers were instructed before
16 to assume those duties, to obey the Imperial Re-
17 script. There is not any word in the record to read
18 that that was so.

19 THE PRESIDENT: The real objection to the
20 question is the utter uselessness of any answer that
21 it would elicit; anything is possible.

22 The question is disallowed.

23 Q Did not, Mr. Witness, most ministers of edu-
24 cation foster and promulgate theories of the Imperial
25 Rescript?

MAEDA

CROSS

1 A Certainly, it is.

2 Q Now, before the Manchurian Incident, Mr.
3 MAEDA, would you not say that because of newspaper
4 articles, editorials, speeches, and so forth, that
5 it was the public opinion of the Japanese people
6 themselves that Manchuria was considered the life-
7 line of Japan?

8 A If I remember rightly, the terms "life-line"
9 were used after the Manchurian Incident; but as to
10 what you have just stated, it is certain that the
11 fact that the Japanese rights and interests were dis-
12 regarded by the Chinese side was prevalent before the
13 Incident. Anyhow, the word "life-line" was, I think,
14 after the Incident broke out.

15 THE PRESIDENT: That type of reasoning --
16 that line of cross-examination is useless. What
17 does it matter to you if the Japanese people did think
18 they needed a part of China? Their honest belief, if
19 it be an honest belief, as to their needs for part
20 of China, is not justification for an aggressive war.

21 That is directed to you, Mr. McManus, and
22 not to the witness.

23 MR. McMANUS: If your Honor pleases, this
24 conspiracy indictment charges a group of men with
25 having promoted an aggressive war. Now, this witness,

MAEDA

CROSS

1 in his affidavit, states or infers that these men
2 were responsible for promoting propaganda to cause
3 the Manchurian Incident. I am trying to bring out
4 that if it were the opinion of the Japanese people
5 themselves, how then was the responsibility of this
6 group of men to have this conspiracy or to promote
7 this conspiracy for the propaganda here?

8 THE PRESIDENT: The existence of the con-
9 spiracy is not negatived by any evidence that the
10 Japanese people themselves desired what the al-
11 leged conspirators sought. You do not disprove
12 conspiracy by saying that Japanese people wanted this
13 anyhow.

14 MR. McMANUS: If the Court please, it is not
15 my intention to argue with the President, but might I
16 ask. If it is a national policy how can it be a
17 conspiracy of individuals?

18 THE PRESIDENT: There could be nothing more
19 natural than a conspiracy to give effect to a national
20 policy?

21 BY MR. McMANUS (Continuing)

22 Q Mr. MAEDA, on page 2 of your affidavit you
23 state -- would you please name the violent organiza-
24 tions who would threaten newspaper editors and
25 writers to which you refer?

MAEDA

CROSS

1 A If you do not tell me the names of these
2 associations I can't say anything much. There were
3 a great number of these groups at that time, and I
4 cannot say which did what at that time.

5 THE MONITOR: Correction: With regard to
6 these organizations' names, I cannot say.

7 Q Your answer, I take it then, is that you do
8 not know.

9 MR. HAMMACK: I object to your making the
10 answer. The answer speaks for itself.

11 THE PRESIDENT: We will recess now for
12 fifteen minutes.

13 (Whereupon, at 1445, a recess was
14 taken until 1500, after which the proceedings
15 were resumed as follows:)
16
17
18
19
20
21
22
23
24
25

MAEDA

CROSS

G
o
l
d
b
e
r
g
&
M
o
r
s
e

1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 BY MR. MCMANUS (Continued):

4 Q Mr. MAEDA, I call your attention to one of
5 the books named in your affidavit which you state
6 you had destroyed. The name of the book is "The
7 Way of the National Subject." Is not "The Moral
8 Code of the Japanese Subject" a more correct title
9 than "The Way of the National Subject?"

10 A I think "Way of Subjects" is sufficient.
11 However, if you like to change it, that is up to
12 you.

13 Q Now, as you state that there are some ob-
14 jectionable parts in this book, is it not because
15 this book was compiled--or is the compilation of
16 all committees of education, probably about five or
17 six committees?

18 A At that time I was not connected with the
19 Minister of Education, and, therefore, I am not
20 familiar as to how this book was written or compiled.

21 Q Well, in 1941, when this book was published,
22 you were the Governor of Nigata Prefecture, were you
23 not?

24 A No, I was then in New York.

25 Q When were you the Governor of Nigata Prefecture?

MAEDA

CROSS

1 A Summer of 1943.

2 Q While you were Governor, was this book
3 distributed to schools and to the communities under
4 your jurisdiction?

5 A I did not at all distribute these books
6 since I assumed the Governorship of Nigata two years
7 after the book was compiled. These books must have
8 been distributed before I became Governor.

9 Q When you became Governor, you knew of their
10 existence, did you not?

11 A Yes. I knew that the Ministry of Education
12 had issued such a book.

13 Q You, in your position at that time, could
14 have ordered them destroyed, isn't that so?

15 MR. HAIMACK: To which I object, as argumenta-
16 tive, may it please the Court.

17 THE PRESIDENT: Objection overruled.

18 A At that time I was under the instructions
19 of the Cabinet and, being an official serving under
20 the Cabinet, I, as a subordinate official, cannot
21 destroy such books by my own will.

22 There is one other point I wish to have
23 considered, and that is that I was Governor at a time
24 when Japan was in the midst of war; and during war
25 it was my, as well as other officials', responsibility

MAEDA

CROSS

1 of others, to reconcile all differences, if any, in
2 order to help the country in its war effort. There-
3 fore I, as a Japanese subject, could not do such a
4 thing as destroy such material.

5 Q Well, you state in your affidavit, Mr. MAEDA,
6 that when you became Minister of Education, that you
7 ordered these books destroyed after perusing them and
8 reading them. Now, as a matter of fact, weren't you
9 ordered to destroy these books?

10 A Absolutely not. It was done according to
11 my own free will as Minister.

12 Q Now you state also that one of the reasons --
13 that one of the objectionable parts of the book was
14 the confusion of facts with mystery and legend. In
15 what way did you find that objectionable?

16 MR. HAINACK: To which I object to the
17 question, your Honor, for the reason he does not so
18 state in connection with the volume that is in evidence.
19 He states that in connection generally with many
20 textbooks.

21 THE PRESIDENT: What is the question based
22 on, Mr. McManus?

23 MR. MCMANUS: I just wanted to point out,
24 if the Court please, that is there anything objection-
25 able about confusing facts with mystery and legend,

NAEDA

CROSS

1 which is apparently the Japanese religion. I am
2 certain that possibly the Bible mixes -- confuses
3 facts with mystery and legend. What is objectionable
4 about that?

5 THE PRESIDENT: It seems very remote to me.

6 MR. MCMANUS: Well, I am just pointing out,
7 if the Court pleases, that one of the main reasons
8 why this witness gives as destroying these books is
9 because of that fact, and it is located on the third
10 paragraph on page two of his affidavit.

11 THE PRESIDENT: We will take his answer.

12 A I am not familiar with the law. However,
13 if the Court would permit me, I should like to ex-
14 plain two or three points or reasons why I had ordered
15 these books destroyed. However, my statement may go
16 beyond the scope of the question. However, if the
17 Court permits, I shall be glad to do so.

18 THE PRESIDENT: You have our permission.

19 A One of my reasons for destroying the book,
20 having the book destroyed, was that its general ten-
21 dency or underlying philosophy was very objectionable,
22 although there were one or two other passages here
23 and there which were quite acceptable.

24 First, I should like to say that the book
25 pointed out or indicated that Japan was greater than

MAEDA

CROSS

1 other countries and by mixing legend, myth and facts,
2 it tried to show that Japan was a country especially
3 selected and blessed by Providence, and emphasized
4 that point. And also, it tended to foster prejudice
5 and animosity against foreign culture.

6 The second point which I wish to state is
7 that it greatly emphasized the Imperial way, that is
8 Kuokoku no michi or Imperial way, that anything that
9 violated this precept was not regarded as learning.
10 In short, it placed the State above truth and justice.

11 Another point which I wish to point out as
12 being objectionable is that there is the way of the
13 people and another, the way of human beings. This
14 fact the Imperial Rescript on Education, that is, the
15 way of human beings, does not particularly mention
16 or emphasize. The main emphasis was placed on the
17 way of the people or way of the nation or the way of
18 subjects; and the way of human beings was entirely
19 neglected. From this standpoint, as you say, that
20 such a thought entirely negates the idea of building
21 a cultural state.

22 Q Now, Mr. MAEDA, I am talking about all of
23 the textbooks that you had destroyed where you make
24 that statement that they were confusing facts with
25 myth and legend. Now were not these books in

MAEDA

CROSS

1 existence a long time?

2 A Yes, I should think it did exist for a
3 long time up to that point, but in this new era
4 I do not think such books should be permitted to
5 exist.

6 Q Yes, but were not, then, these books issued
7 to follow the principles of the Imperial Rescript
8 of Education?

9 A I think you misunderstand. The Imperial
10 Rescript was not granted in order to give birth to
11 a book such as "The Way of Subjects". "The Way of
12 Subjects," as a matter of fact, distorted those
13 principles as expressed in the Rescript.

14 Q Now when you state that you, yourself,
15 destroyed these books, and as a subordinate of yours
16 was punished for not destroying these books, can
17 you tell me whether or not he was punished by you
18 or someone else?

19 MR. HALMACK: To which I object, may it
20 please the Court, on the grounds it is beyond the
21 scope of the direct examination. There is not one
22 word in there indicating anyone was punished. The
23 testimony is that this man, as Minister of Education,
24 ordered those books destroyed, period.

25 THE PRESIDENT: We will allow him to answer.

MAEDA

CROSS

A As the prosecutor has said, I did issue the order, but I have not stated that I have punished anybody. I do not recall such a fact. My memory is not very good, but did I state in my affidavit that I had punished a subordinate?

Q Was a subordinate of yours ever punished for not complying to the orders for destroying these books, if you know?

MR. HAMMACK: I object. To which I object, may it please the Court, that there is not a word of testimony in there that anyone failed to destroy them or that anyone was punished.

THE PRESIDENT: What is the value of the question or the answer? What is the value of it?

MR. MCMANUS: It is just to test the witness' integrity. I am asking it to show that -- to disprove -- within an endeavor to disprove the statement that he, himself, by his own will, destroyed these books. I am trying to test the witness' credibility.

MR. HAMMACK: I object to the form of the question, may it please the Court, of counsel attempting to test the credibility of the witness.

THE PRESIDENT: That question would not test his credibility. We disallow it.

MR. MCMANUS: I have no further cross-

MAEDA

CROSS

1 examination.

2 THE PRESIDENT: Mr. Kleiman.

3 CROSS-EXAMINATION (Continued)

4 BY CAPTAIN KLEIMAN:

5 Q Mr. MAEDA, were not some of these books, some
6 of these textbooks that you ordered destroyed written
7 during the Meiji Era?

8 A Again it is a question of my own memory.
9 If you have anything written there, I should like
10 to have it shown to me. The books I had ordered de-
11 stroyed were "Kokutai no Hongi" or "Fundamental
12 Principles of National Polity" and "The Way of the
13 Subjects." Other books were also ordered destroyed
14 in accordance with the policy which I had decided upon.

15 Q Well, don't you remember the dates of some
16 of the books that you refer to? I am trying to find
17 out from you whether or not these books were written
18 recently or whether these books had been written a
19 long time ago after the establishment of the Meiji
20 Era.

21 A All textbooks in Japan, as a matter of
22 custom, are revised after four or five years of use,
23 and recent books -- textbooks that are now used in
24 the schools were written in the Showa Era. Many books
25 were revised, especially after the outbreak of the

MAEDA

CROSS

1 Pacific War.

2 Q On page three of your affidavit you said
3 that the military officers instructed the principals
4 of the schools as to the courses and the administra-
5 tion of the school system. Among the courses that
6 were taught in an elementary school was not Japanese
7 language taught?

8 THE PRESIDENT: That is utterly impossible.
9 Was not the Japanese language taught in the Japanese
10 schools?

11 CAPTAIN KLEIMAN: May it please the Tribunal,
12 now I am truly trying to get answered a question
13 that the Court asked, itself, about two months ago,
14 what are these courses that were taught? It has
15 never been brought out by prosecution, and we, of
16 the defense, wish to make the picture clear for the
17 Tribunal. If the Tribunal does not wish the questions
18 asked, I will refrain from them.

19 THE PRESIDENT: The Tribunal does not wish
20 to have that question asked.
21
22
23
24
25

MAEDA

CROSS

M
O
r
s
e
&
A
b
r
a
m

1 CAPTAIN KLEIMAN: All right, your Honor.

2 Q Was arithmetic taught to those students?

3 THE PRESIDENT: Well, that is impossible.

4 This is a serious case. You are before the Inter-
5 national Military Tribunal for the Far East trying
6 former leaders of Japan of the greatest series of
7 crimes ever committed against men.

8 CAPTAIN KLEIMAN: May it please your Honor,
9 is it not important at this stage to show that after
10 the promulgation of the Imperial Rescript of 1941
11 these courses which are taught in schools of every
12 country in the world --

13 THE PRESIDENT: Please continue to put ques-
14 tions.

15 CAPTAIN KLEIMAN: All right, your Honor.

16 Q Was music, penmanship, drawing, Japanese
17 history, needle work, taught in the schools?

18 THE PRESIDENT: The witness need not answer.

19 CAPTAIN KLEIMAN: No further questions.

20 MR. OHARA: I am OHARA, counsel for the
21 defendant OKAWA.

22 CROSS-EXAMINATION (Continued)

23 BY MR. OHARA:

24 Q The witness said that when he signed the
25 affidavit he had the Japanese text first -- when he

MAEDA

CROSS

1 signed the affidavit he had first the English text
2 first translated into Japanese and then signed it.
3 Is that so?

4 A In my recollection I talked to the prosecutor
5 in English, and as I recall I signed the English
6 affidavit.

7 Q I have here the Japanese affidavit of yours
8 and I will read the last paragraph from your affidavit
9 slowly. Would you listen to it. The last paragraph
10 of the first page. "The military and ultra-nation-
11 alistic groups attributed the weak-kneed condition
12 of finance and weak-kneed condition of Japan during
13 these years to too much liberal tendencies on the
14 part of the government and people."

15 A Yes, I think I made such a statement.

16 Q What do you mean by such expressions that
17 you have used as "weak-kneed conditions of finance"
18 and "weak-kneed condition of Japan?"

19 A I think you are referring to the situation
20 which existed about the time of the Manchurian Incident.
21 If so, I am referring to the economic depression,
22 of financial panic and the deflationary conditions
23 which prevailed in Japan which retarded Japanese
24 development.

25 Q When you speak of this weak-kneed financial

MAEDA

CROSS

1 and national situation, do you also include the
2 corruption of the political parties and the weakened
3 vitality and lack of morale of the people?

4 A Yes, I include them also.

5 Q Then you say that those are attributed to
6 too much liberal tendencies at that time.

7 A I don't know what kind of words or language
8 I used in the English text but when I speak of liberal
9 tendency I mean that there was a mistaken understand-
10 ing of that term, that is, the misunderstanding of
11 liberalism with its accompanying responsibility and,
12 therefore, gave rise to a reform doctrine.

13 Q You state also in your affidavit, that is
14 before the passage which I have just quoted, "through
15 1926, 1927 and 1928 the general atmosphere in Japan
16 was tense." Are you referring to the period after
17 that time?

18 A Generally I am speaking about approximately
19 that time.

20 Q All the Japanese leaders then were concerned
21 about this program and they are all of the opinion
22 that something must be done about that. Wasn't that
23 so?

24 A Yes, I think so, but there were two ways of
25 thinking on that subject. One school of thought

MAEDA

CROSS

1 believed in resorting to the constitutional method,
2 where the other advocated -- believed in the fact
3 that the end justified the means and even favored
4 the use of force, if necessary, to attain the desired
5 end.

6 Q At that time, in those days, bribery was a
7 common practice in elections and newcomers, even if
8 they wish to run for the election, could not be
9 elected without resorting to that method.

10 THE PRESIDENT: That is a statement, not a
11 question.

12 Q (Continued) Was it not so?

13 A Yes, I think that such a situation existed.
14 However, movements for the purification of elections
15 were carried on later and of this movement I do know
16 with some familiarity because I was connected with
17 the movement.

18 Q Have you ever read the works of OKAWA?

19 A As to his voluminous writings of his I do
20 recall having read his book "The Two Thousand Six
21 Hundred Years of Japanese History," but other than
22 that I have only read some of his essays in Japanese
23 magazines.

24 Q In the third page of your Japanese affidavit ,
25 Mr. Witness, that is, in the middle of the page, you

MAEDA

CROSS

1 state that OKAWA always advocated expansion into
2 Manchuria as well as domination of Manchuria. He
3 didn't always constantly harp on that, did he?

4 A If I am to speak accurately, I should say
5 I would be mistaken if I had said "constantly" or
6 "always."

7 MR. OHARA: I understand.

8 DR. KIOSE: That is all. No further cross-
9 examination, your Honor.

10 MR. HAMMACK: No more re-direct, your Honor.

11 (Whereupon, the witness was excused)

12 MR. DONIHI: May it please the Tribunal, the
13 witness NAKAI is in court and the prosecution should
14 like to have him take the stand.

15 MARSHAL OF THE COURT: Mr. President, this
16 witness has been previously sworn.

17 MR. DONIHI: Before the witness has taken the
18 stand, the prosecution should like to direct the
19 Court's attention to the fact that in his affidavit
20 this witness has made reference to the film "Critical
21 Period of Japan" which has been twice unsuccessfully
22 brought to the Court's attention, as I am sure the
23 Tribunal will recall, due to mechanical defects.
24
25

NAKAI

1 K I M B E I N A K A I, recalled as a witness on
2 behalf of the prosecution, testified as follows:

3 THE PRESIDENT: Witness, you are still on
4 your former oath.

5 WITNESS: I shall do so.

6 MR. DONIHI: It has never been the prosecution's
7 desire to insist that the Tribunal sit through the
8 entire twelve reels of this picture. The defense,
9 however, feels that it cannot properly cross-examine
10 the witness without a full showing of the moving
11 picture "Critical Period of Japan." The film is in
12 evidence. If the Tribunal desires to see this picture
13 before having the witness cross-examined, the prosecu-
14 tion, of course, desires to show it and will not
15 object to showing the entire picture even though we
16 are aware of the fact that many reels make an attempt
17 to dramatize certain Japanese customs and history
18 in a manner that would appeal possibly only to the
19 Oriental mind.

20 THE PRESIDENT: Well, haven't you said
21 enough about the picture, Mr. Donihi? When do you
22 want us to see it? This afternoon?

23 MR. DONIHI: In order to view the entire
24 picture, Mr. President, it would consume the better
25 part of two hours and, of course, that would bring

NAKAI

1 us up close to six o'clock this evening.

2 THE PRESIDENT: We will recess now until
3 half past nine on Monday next.

4 (Whereupon, at 1550, an adjournment
5 was taken until Monday, 5 August 1946, at
6 0930.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25